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***Counsel for Defendants Bank Vontobel AG f/k/a Bank J.
Vontobel & Co. AG and Vontobel Asset Management Inc.***

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

-v-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

-v-

BANK VONTOBEL AG f/k/a BANK J.
VONTOBEL & CO. AG and VONTOBEL
ASSET MANAGEMENT, INC.,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01202 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANTS'
TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendants Bank Vontobel AG f/k/a Bank J. Vontobel & Co. AG (“Bank Vontobel”) and Vontobel Asset Management, Inc. (“VAMUS”) (collectively, “**Defendants**”) through their respective undersigned counsel.

RECITALS

A. On July 8, 2022, Defendants filed their *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 12-01202 (CGM) [ECF Nos. 114-118, 119-120].

B. On November 18, 2022, following briefing by the parties, this Court issued its *Memorandum Decision Denying Defendants’ Motion to Dismiss* [ECF No. 130].

C. On December 2, 2022, based on the Memorandum Decision, this Court entered its *Order Denying the Vontobel Defendants’ Motion to Dismiss the Complaint* [ECF No. 134] (the “**December 2, 2022 Order**”).

D. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the December 2, 2022 Order is 14 days after entry of the order, *i.e.*, on December 16, 2022.

E. Defendants seek an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, by December 16, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to January 6, 2023.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to Defendants' request to extend its time to appeal to January 6, 2023.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by Defendants for an extension of time for filing (a) a notice of appeal of the December 2, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the **"Required Filings"**), through and including January 6, 2023 (the **"Extended Filing Deadline"**).

2. The Trustee consents to Defendants' motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if Defendants wish to appeal the December 2, 2022 Order, Defendants shall make the Required Filings by the Extended Filing Deadline.

[Signature page follows]

Dated: New York, New York
December 15, 2022

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Dated: December 19, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge